

amendment on May 26, 2017: Yeas 31, Nays 0; passed the House, with amendment, on May 23, 2017: Yeas 142, Nays 2, one present not voting.

Approved June 12, 2017.

Effective September 1, 2017.

## MUNICIPAL REGULATION OF MANUFACTURED HOME COMMUNITIES

### CHAPTER 741

S.B. No. 1248

#### AN ACT

relating to municipal regulation of manufactured home communities.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Subchapter A, Chapter 211, Local Government Code, is amended by adding Section 211.018 to read as follows:

**Sec. 211.018. CONTINUATION OF LAND USE REGARDING MANUFACTURED HOME COMMUNITIES.** (a) *In this section, "manufactured home," "manufactured home community," and "manufactured home lot" have the meanings assigned by Section 94.001, Property Code.*

(b) *The governing body of a municipality may not require a change in the nonconforming use of any manufactured home lot within the boundaries of a manufactured home community if:*

(1) *the nonconforming use of the land constituting the manufactured home community is authorized by law; and*

(2) *at least 50 percent of the manufactured home lots in the manufactured home community are physically occupied by a manufactured home used as a residence.*

(c) *For purposes of Subsection (b), requiring a change in the nonconforming use includes:*

(1) *requiring the number of manufactured home lots designated as a nonconforming use to be decreased; and*

(2) *declaring that the nonconforming use of the manufactured home lots has been abandoned based on a period of continuous abandonment of use as a manufactured home lot of any lot for less than 12 months.*

(d) *A manufactured home owner may install a new or used manufactured home, regardless of the size, or any appurtenance on a manufactured home lot located in a manufactured home community for which a nonconforming use is authorized by law, provided that the manufactured home or appurtenance and the installation of the manufactured home or appurtenance comply with:*

(1) *nonconforming land use standards, including standards relating to separation and setback distances and lot size, applicable on the date the nonconforming use of the land constituting the manufactured home community was authorized by law; and*

(2) *all applicable state and federal law and standards in effect on the date of the installation of the manufactured home or appurtenance.*

(e) *A municipality that prohibits the construction of new single-family residences or the construction of additions to existing single-family residences on a site located in a designated floodplain may, notwithstanding Subsection (b), (c), or (d), prohibit the installation of a manufactured home in a manufactured home community on a manufactured home lot that is located in an equivalently designated floodplain.*

SECTION 2. Subchapter Z, Chapter 214, Local Government Code, is amended by

adding Section 214.906 to read as follows:

*Sec. 214.906. REGULATION OF MANUFACTURED HOME COMMUNITIES.*

*(a) "Manufactured home" has the meaning assigned by Section 1201.003, Occupations Code.*

*(b) Notwithstanding any other law, the governing body of a municipality may not regulate a tract or parcel of land as a manufactured home community, park, or subdivision unless the tract or parcel contains at least four spaces offered for lease for installing and occupying manufactured homes.*

SECTION 3. This Act takes effect September 1, 2017.

Passed the Senate on April 19, 2017: Yeas 31, Nays 0; May 25, 2017, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 26, 2017, House granted request of the Senate; May 28, 2017, Senate adopted Conference Committee Report by the following vote: Yeas 30, Nays 0; passed the House, with amendments, on May 21, 2017: Yeas 138, Nays 2, one present not voting; May 26, 2017, House granted request of the Senate for appointment of Conference Committee; May 27, 2017, House adopted Conference Committee Report by the following vote: Yeas 133, Nays 12, two present not voting.

Approved June 12, 2017.

Effective September 1, 2017.

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## ADVERSE POSSESSION OF REAL PROPERTY BY A COTENANT HEIR AGAINST OTHER COTENANT HEIRS

### CHAPTER 742

S.B. No. 1249

#### AN ACT

relating to adverse possession of real property by a cotenant heir against other cotenant heirs.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Subchapter B, Chapter 16, Civil Practice and Remedies Code, is amended by adding Section 16.0265 to read as follows:

*Sec. 16.0265. ADVERSE POSSESSION BY COTENANT HEIR: 15-YEAR COMBINED LIMITATIONS PERIOD. (a) In this section, "cotenant heir" means one of two or more persons who simultaneously acquire identical, undivided ownership interests in, and rights to possession of, the same real property by operation of the applicable intestate succession laws of this state or a successor in interest of one of those persons.*

*(b) One or more cotenant heirs of real property may acquire the interests of other cotenant heirs in the property by adverse possession under this section if, for a continuous, uninterrupted 10-year period immediately preceding the filing of the affidavits required by Subsection (c):*

*(1) the possessing cotenant heir or heirs:*

*(A) hold the property in peaceable and exclusive possession;*

*(B) cultivate, use, or enjoy the property; and*

*(C) pay all property taxes on the property not later than two years after the date the taxes become due; and*

*(2) no other cotenant heir has:*

*(A) contributed to the property's taxes or maintenance;*

*(B) challenged a possessing cotenant heir's exclusive possession of the property;*